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March 7, 2014

Honorable Andrew L. Carter, Jr.,
United States District Judge,
Southern District of New York,
500 Pearl Street,
New York, NY 10007.

Re: *In re North Sea Brent Crude Oil Futures Litigation*,
No. 1:13-md-02475 (ALC)

Dear Judge Carter:

We write on behalf of BP p.l.c., Royal Dutch Shell plc, and Statoil ASA in response to plaintiff David Harter's letter to the Court of earlier today requesting a hearing concerning a scheduling order for the motions to dismiss in this multidistrict litigation. Harter does not disagree that setting a schedule that may require defendants to move twice to dismiss the *Harter* complaint would be inefficient for defendants. Instead, Harter argues that a bifurcated briefing schedule would be more efficient for the courts and was agreed to by BP p.l.c. before the Judicial Panel on Multidistrict Litigation ("JPML"). Neither contention is correct. If Harter's complaint is dismissed for failure to adequately allege a conspiracy to fix, restrain trade in, and manipulate the prices of North Sea Brent Crude oil and related futures contracts, this Court need not consider other, independent arguments for dismissal. However, if Harter's complaint is not dismissed on that basis, or on any other overlapping issue briefed by defendants, this Court would have to consider two motions to dismiss, an inefficient result.

With respect to the proceedings before the JPML, the Panel merely asked whether after dispositive motions were decided, Louisiana-specific issues could be returned to that state's courts; BP p.l.c.'s counsel agreed that this was a possibility—while making clear that the case could stay with Judge Carter instead. At no point did the JPML suggest that dispositive motions should be bifurcated, nor did BP p.l.c. agree that this would be appropriate.

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BP p.l.c., Royal Dutch Shell plc, and Statoil ASA respectfully suggest that no conference is necessary to set a scheduling order for a motion to dismiss, but are available for a conference on March 11, 2014 as requested by Harter should the Court wish to hear further from the parties.

Respectfully,

/s/ Daryl A. Libow

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cc: Counsel of Record (via ECF)